

REMARKS

This Application has been reviewed carefully in light of the Office Action mailed April 2, 2004 ("*Office Action*"). Claims 1, 3, 4 and 6-22 were pending in the Application and stand rejected. Applicant amends Claims 1, 3, 4, 6, 7, and 14 to advance prosecution. Applicant respectfully requests reconsideration and favorable action in this case.

Claim Rejections – 35 U.S.C. §103

The Examiner rejects Claims 1, 3, 4, and 6-22 under 35 U.S.C. §103(a) as being unpatentable over various combinations of references. To establish obviousness of a claimed invention under §103, all claim limitations must be taught or suggested by the prior art. M.P.E.P. §2143.03. In addition, the Examiner must show some teaching, suggestion, or motivation to combine or modify the references either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *Id.* §2143.01. The factual inquiry whether to combine references must be thorough and searching. *McGinley v. Franklin Sports, Inc.*, 262 F.3d 1339, 1351-52 (Fed. Cir. 2001). This factual question cannot be resolved on subjective belief and unknown authority, but must be based on objective evidence of record. *See In re Lee*, 277 F.3d 1338, 1343-44 (Fed. Cir. 2002). "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." M.P.E.P. §2143.01 (emphasis in original).

Claims 1, 3, 4, 6, 7, 14, 21, and 22

The Examiner rejects Claims 1, 3, 4, 6, 7, 14, 21, and 22 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,083,277, which issued to Fowlow, et al. ("*Fowlow*"), in view of U.S. Patent No. 6,333,752, which issued to Hasegawa, et al. ("*Hasegawa*").

Applicant's independent Claim 1, as amended, recites:

A method, comprising the steps of:
providing a set of predetermined function definitions;
preparing a project definition, said project definition
including:
a plurality of function portions which each
correspond to one of said function definitions in said set, and
which each define at least one input port and at least one output

port that are functionally related according to the corresponding function definition;

a further portion which includes a source portion identifying a data source and defining an output port through which data from the data source can be produced, and which includes a destination portion identifying a data destination and defining an input port through which data can be supplied to the data destination; and

binding information which includes binding portions that each associate a respective said input port with one of said output ports;

wherein one of said function definitions identifies a separate image processing program, wherein one of said function portions which corresponds to said one function definition identifies a command for said image processing program, and wherein execution of said one function portion causes execution of said command by said image processing program in a manner which affects image data present in said one function portion.

Applicant respectfully submits that *Fowlow* and *Hasegawa*, whether taken alone or in combination, fail to teach or suggest every element of this Claim.

Among other aspects of Claim 1, the *Fowlow-Hasegawa* combination fails to teach or suggest:

wherein one of said function definitions identifies a separate image processing program, wherein one of said function portions which corresponds to said one function definition identifies a command for said image processing program, and wherein execution of said one function portion causes execution of said command by said image processing program in a manner which affects image data present in said one function portion.

The Examiner admits that “Fowlow does not explicitly disclose image data acted upon by the predetermined functions.” However, the Examiner states that “Hasegawa discloses image data processing managing parameters for image display.” *Office Action*, page 4. Applicant respectfully requests the Examiner to reconsider the language of Claim 1 and the disclosures of *Fowlow* and *Hasegawa*. In particular, Applicant respectfully submits that the *Fowlow-Hasegawa* combination fails to teach or suggest that “one of said function definitions identifies a separate image processing program.” Applicant also respectfully submits that the *Fowlow-Hasegawa* combination fails to teach or suggest that “one of said function portions which corresponds to said one function definition identifies a command for said image

processing program.” Applicant also respectfully submits that the *Fowlow-Hasegawa* combination fails to teach or suggest that “execution of said one function portion causes execution of said command by said image processing program in a manner which affects image data present in said one function portion.”

For at least these reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of independent Claim 1. For reasons analogous to those discussed above with regard to Claim 1, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of independent Claims 4, 7, and 14. Furthermore, because Claims 3, 6, 21, and 22 each depend from independent claims shown above to be allowable over *Fowlow* and *Hasegawa*, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 3, 6, 21, and 22.

Applicant’s dependent claims further highlight deficiencies in the cited references. First, consider Claims 3 and 6. For example, Claim 3, as amended, recites:

A method according to Claim 1, including the steps of concurrently executing said project definition and an instance of said image processing program.

As teaching this claim, the Examiner states:

Fowlow discloses objects that act as project definitions having an input port and an output port (by which information is obtained and sent) related by the corresponding function definition (Abstract; column 2, lines 1 - 30; e.g., Figure 3). The method inherently runs as an application executing the method of the object.

Office Action, page 5. Applicant respectfully submits that the cited sections of *Fowlow* fail to teach or suggest the recited claim language. Furthermore, nowhere does *Fowlow* disclose, expressly or inherently, “concurrently executing said project definition and an instance of said image processing program.” In addition, *Hasegawa* fails to provide this missing element.

Second, consider Claims 21 and 22. For example, Claim 21 recites:

A method according to Claim 1, wherein execution of said command by said image processing program conforms said image data to a generally similar appearance.

As teaching this claim, the Examiner states:

An object, as disclosed by Fowlow (e.g., Figure 3), inherently represents any real world or abstract entity, therefore, an object

representing an image would inherently represent an image-processing program.

Office Action, page 5. Applicant respectfully submits that the cited figure of *Fowlow* fails to teach or suggest the recited claim language. Furthermore, nowhere does *Fowlow* disclose, expressly or inherently, that “execution of said command by said image processing program conforms said image data to a generally similar appearance.” In addition, *Hasegawa* fails to provide this missing element.

For these additional reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of dependent Claims 3, 6, 21, and 22.

In addition, Applicant submits that there is no teaching, suggestion, or motivation to combine or modify the teachings of *Fowlow* and *Hasegawa* either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. The mere assertion that the teachings of one reference might improve the teachings of another reference, as the Examiner states, does not provide the required suggestion to combine. Moreover, nothing in *Fowlow* or *Hasegawa* suggests or motivates the proposed combination, nor has the Examiner provided evidence that suggests the proposed combination. For this additional reason, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 1, 3, 4, 6, 7, 14, 21, and 22.

Claims 8-11 and 15-18

The Examiner rejects Claims 8-11 and 15-18 under 35 U.S.C. §103(a) as being unpatentable over *Fowlow* in view of U.S. Patent No. 6,002,876, which issued to Davis, et al. (“*Davis*”). These Claims depend from Claims 7 and 14 respectively, which are shown above to be patentable over *Fowlow*. The introduction of *Davis* fails to provide the elements of Applicant’s Claims 7 and 14 not shown by *Fowlow*. Thus, for at least these reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 8-11 and 15-18.

In addition, Applicant submits that there is no teaching, suggestion, or motivation to combine or modify the teachings of *Fowlow* and *Davis* either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. The mere assertion that the teachings of one reference might improve the teachings of another reference, as the Examiner states, does not provide the required suggestion to combine. Moreover, nothing in

Fowlow or *Davis* suggests or motivates the proposed combination, nor has the Examiner provided evidence that suggests the proposed combination. For this additional reason, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 8-11 and 15-18.

Claims 12, 13, 19, and 20

The Examiner rejects Claims 12, 13, 19, and 20 under 35 U.S.C. §103(a) as being unpatentable over *Fowlow* in view of *Davis* and further in view of U.S. Patent No. 6,317,648, which issued to Sleep, et al. ("*Sleep*"). These Claims depend from Claims 7 and 14 respectively, which are shown above to be patentable over *Fowlow*. The introduction of *Davis* and *Sleep* fail to provide the elements of Applicant's Claims 7 and 14 not shown by *Fowlow*. Thus, for at least these reasons, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 12, 13, 19, and 20.

In addition, Applicant submits that there is no teaching, suggestion, or motivation to combine or modify the teachings of *Fowlow*, *Davis*, and *Sleep* either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. The mere assertion that the teachings of one reference might improve the teachings of another reference, as the Examiner states, does not provide the required suggestion to combine. Moreover, nothing in *Fowlow*, *Davis*, or *Sleep* suggests or motivates the proposed combination, nor has the Examiner provided evidence that suggests the proposed combination. For this additional reason, Applicant respectfully requests the Examiner to reconsider and withdraw the rejection of Claims 12, 13, 19, and 20.

CONCLUSION

Applicant has made an earnest attempt to place the Application in condition for allowance. For the foregoing reasons, and for other reasons clearly apparent, Applicant respectfully requests full allowance of all pending claims. If the Examiner feels that a telephone conference or an interview would advance prosecution of the Application in any manner, the undersigned attorney for Applicant stands ready to conduct such a conference at the convenience of the Examiner.

Although no fees are believed to be currently due, the Commissioner is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 02-0384 of BAKER BOTTS L.L.P.

Respectfully submitted,

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